Korea, Democratic People's Republic of

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The Democratic People's Republic of Korea (DPRK or North Korea) is a dictatorship under the absolute rule of Kim Jong Il, General Secretary of the Korean Workers' Party (KWP). In 1998, the Supreme People's Assembly reconfirmed Kim as Chairman of the National Defense Commission and designated that position the "highest office of state." Kim's father, the late Kim Il Sung, was declared "eternal president." The titular head of state is Kim Yong Nam, the President of the Presidium of the Supreme People's Assembly. Elections for the 687-member Assembly were held in August 2003. Only the KWP and two small satellite parties participated. The elections were not free. The Kim family remained the object of an intense personality cult, and the regime continued to cling to "juche," an ideology of extreme self-reliance, even though the population was dependent on international aid for survival. The judiciary is not independent.

The country is one of the world's most militarized societies. The Korean People's Army (KPA) continued to overshadow the KWP as Kim Jong Il's chief instrument for making and implementing policy. The KPA is the primary organization responsible for external security. A large military reserve force and several quasi-military organizations, including the Worker-Peasant Red Guards and the People's Security Force, assist it. In addition, an omnipresent internal security apparatus includes the Ministry of Public Security (MPS), the State Security Department, and the KWP. Members of the security forces have committed numerous serious human rights abuses.

The country's traditional highly centralized and tightly controlled economy has broken down under the stress of chronic shortages of food and fuel. Citizens increasingly have sought employment in the informal economy. Most citizens must supplement limited amounts of government-subsidized rations with food purchased in markets. Heavy military spending, estimated at between one-quarter and one-third of gross domestic product, has constrained and skewed economic development. The country has not taken the steps towards transparency that would make it eligible for membership in international financial institutions. Its poor credit rating, stemming from default on its foreign debt, sharply limited the amount of funds it was able to borrow commercially. Despite significant inflows of international assistance over the past decade, harsh economic and political conditions have caused tens of thousands of persons to flee the country. To stabilize the economy, in July 2002, the Government launched an economic reform that raised wages and prices, devalued the currency, and gave managers more decision-making authority. These changes sparked a dramatic rise in inflation and a quickening of commercial activity but failed to re-energize industrial growth. The Government permitted an increase in the number of private vendors to compensate for the contraction of food supplied through the public distribution system. Corruption appears to be a growing problem as economic controls loosen.

The Government's human rights record remained extremely poor, and it continued to commit numerous serious abuses. Citizens did not have the right to change their government. There continued to be reports of extrajudicial killings, disappearances, and arbitrary detention, including of many persons held as political prisoners. Prison conditions were harsh and life-threatening, and torture reportedly was common. Pregnant female prisoners reportedly underwent forced abortions, and in other cases babies reportedly were killed upon birth in prisons. The constitutional provisions for an independent judiciary and fair trials were not implemented in practice. The regime subjected citizens to rigid controls over many aspects of their lives. In April, the Supreme People's Assembly enacted a new Penal Code. According to the new Penal Code, capital punishment applied only to "serious" or "grave" cases of four "anti-state" and "anti-nation" crimes. Citizens were denied freedom of speech, the press, assembly, and association; all forms of cultural and media activities were under the tight control of the KWP. Little outside information reached the general population except that which was approved and disseminated by the Government. The Government restricted freedom of religion, citizens' movement, and worker rights. In April, the U.N. Commission on Human Rights (UNCHR) called for the appointment of Special Rapporteur Vitit Muntarbhorn to examine the human rights conditions in the country, but he was not allowed to visit the country to carry out his mandate. Although the country accepted meetings with European Union (EU) and U.N. officials on human rights issues, the Government maintained that most international human rights norms, particularly individual rights, were illegitimate, alien, and subversive to the goals of the State and Party. There were widespread reports of trafficking in women and girls among refugees and workers crossing the border into China. Only government-controlled labor unions are permitted.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary and Unlawful Deprivation of Life

Defector and refugee reports over several years indicate that the regime has executed political prisoners, opponents of the regime, some repatriated defectors, and others, including military officers suspected of espionage or of plotting against Kim Jong Il. In April, the Government enacted a new Penal Code by decree of the Supreme People's Assembly Presidium. The new code provides the death penalty for only the most "serious" or "grave" cases of four "anti-state" or "anti-nation" crimes. These crimes include active participation in a coup or plotting to overthrow the State; acts of terrorism for an anti-State purpose; treason, which includes defection or handing over state secrets; and, suppressing the People's Movement for national liberation. In the past, prisoners have been sentenced to death for such ill defined "crimes" as "ideological divergence," "opposing socialism," and "counterrevolutionary crimes." In some cases, notably at the height of the famine in the 1990s, executions reportedly were carried out at public meetings attended by workers, students, school children, and before assembled inmates at places of detention. Border guards reportedly had orders to shoot to kill potential defectors. Similarly, according to defectors, prison guards were under orders to shoot to kill those attempting escape from political concentration camps.

Defectors have reported that government officials prohibit live births in prison. Forced abortion and the killing of newborn babies reportedly were standard prison practices (see Section 1.c.).

Religious and human rights groups outside the country reported that members of underground churches have been killed because of their religious beliefs and suspected contacts with overseas evangelical groups operating across the Chinese border (see Section 2.c.).

Many prisoners reportedly have died from beatings, disease, starvation, or exposure (see Section 1.c.).

b. Disappearance

The Government reportedly was responsible for cases of disappearance. Defectors in recent years have claimed that individuals suspected of political crimes often were taken from their homes by state security officials and sent directly, without trial, to camps for political prisoners. There are no practical restrictions on the ability of the Government to detain and imprison persons at will and to hold them incommunicado.

Numerous reports indicated that ordinary citizens are not allowed to mix with foreign nationals, and Amnesty International (AI) has reported that a number of citizens who maintained friendships with foreigners have disappeared.

In the past, the Government has been involved in the kidnapping abroad of South Koreans, Japanese, and other foreign nationals. In 2002, Kim Jong Il acknowledged to Japanese Prime Minister Koizumi the involvement of DPRK "special institutions" in the kidnapping of Japanese citizens between 1977 and 1983 and said that those responsible had been punished. Five surviving victims were allowed to visit Japan in October 2002, and they decided to remain there. Japan also sought an accounting for 10 Japanese said to be dead or never to have entered North Korea and hopes to gain answers regarding 20 other cases of suspected abductions of Japanese nationals. Negotiations between the two countries continued, but have produced few positive results.

Many South Koreans are believed to have been abducted in the 1970s and 1980s. The South Korean Government has compiled a list of 486 South Korean citizens, most of whom were fishermen, detained since the 1950-53 Korean War.

In 2000, Reverend Kim Dong Shik reportedly was kidnapped by North Korean agents in China near the North Korean border. Relatives and human rights activists claimed that Kim was targeted for assisting the defection of North Korean refugees to South Korea. In December, South Korean officials announced that they were questioning a North Korean agent who had confessed to taking part in the abduction.

There were other reports of kidnapping and hostage-taking, apparently intended to intimidate ethnic Koreans living in China and Russia. The Government continued to deny that it had been involved in kidnappings of non-Japanese foreign nationals.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

In its 2001 submission to the U.N. Human Rights Committee, the Government claimed that torture is prohibited by law; however, many sources confirm its practice. According to a report by the U.S. Committee for Human Rights in North Korea (USCHRNK), torture "is routine and severe." Methods of torture included severe beatings; electric shock; prolonged periods of exposure; humiliations such as public nakedness; confinement to small "punishment cells," in which prisoners were unable to stand upright or lie down, where they could be held for several weeks; being forced to kneel or sit immobilized for long periods; being hung by one's wrists; being forced to stand-up and sit-down to the point of collapse; and, forcing mothers recently repatriated from China, to watch the infanticide of their newly born infants. Defectors reported that many prisoners have died from torture, disease, starvation, exposure, or a combination of these causes.

Over the years, there have been reports from defectors alleging the testing on human subjects of a variety of chemical and biological agents. During the year, media reports included several defector accounts of alleged testing of lethal gas on human

subjects, but these reports have not been verified.

Reportedly, North Korean officials prohibited live births in prison and forced abortions were regularly performed, particularly in detention centers holding women repatriated from China. According to defectors who were imprisoned in the 1990s, in cases of live birth, the child was immediately killed. According to reports, the reason given for this policy was to prevent the birth of half-Chinese children. In addition, guards sexually abused female prisoners.

Prison conditions were harsh; starvation and executions were common. "Reeducation through labor" was a common punishment, consisting of forced labor, such as logging, mining, or tending crops under harsh conditions, and reeducation consisting of memorizing speeches by Kim Jong Il and being forced to participate in self-criticism sessions after labor. Visitors to the country observed prisoners being marched in leg irons, metal collars, or shackles. In some places of detention, prisoners were given little or no food and were denied medical care. Sanitation was poor, and prisoners reported they were rarely able to bathe or wash their clothing and had no change of clothing during months of incarceration.

In June 2002, Lee Soon-ok, a woman who spent several years in a prison camp before defecting to the Republic of Korea (South Korea) in 1994, testified before the U.S. Senate that the approximately 1,800 inmates in her camp typically worked 16 to 17 hours a day. Lee witnessed severe beatings and incidents of torture involving forcing water into a victim's stomach with a rubber hose followed by guards jumping on a board placed across the victim's abdomen. Lee also testified that chemical and biological warfare experiments were conducted on inmates by the army. Other defectors reported similar experiences. At Camp 22 in Haengyong, approximately 50,000 prisoners worked under conditions that reportedly resulted in the death of 20 to 25 percent of the prison population annually in the 1990s.

In October 2003, Kim Yong, a former police Lieutenant Colonel, told USCHRNK that, as an inmate in a political prison camp, he had been forced to kneel for long periods with a steel bar placed between his knees and calves, been suspended by his handcuffed wrists, and submerged in waist deep cold water for extended periods.

Other witnesses who testified before the U.S. Congress in 2002 stated that prisoners held on the basis of their religious beliefs generally were treated worse than other inmates (see Section 2.c.).

The Government did not permit inspection of prisons by human rights monitors.

d. Arbitrary Arrest or Detention

There are no restrictions on the ability of the Government to detain and imprison persons at will and to hold them incommunicado. Family members and other concerned persons reportedly find it virtually impossible to obtain information on charges against detained persons or the length of their sentences. Judicial review of detentions does not exist in law or in practice.

An estimated 150-200,000 persons were believed to be held in detention camps in remote areas for political reasons. Using commercial satellite imagery to locate the camps and point out their main features, defectors claimed that these camps covered areas as large as 200 square miles. The camps contained mass graves, barracks, work sites, and other prison facilities. The Government denied the existence of political prison camps. In recent years, the Government reportedly reduced the total number of prison camps from approximately 20 to less than 10, but the prison population was consolidated rather than reduced. In 2003, a defector who had been a ranking official in the Ministry of Public Security told USCHRNK that conditions in the camps for political prisoners were extremely harsh and prisoners were not expected to survive. In the camps, prisoners received little food and no medical provisions.

Entire families, including children, have been imprisoned when one member of the family was accused of a crime (see Section 1.f.).

e. Denial of Fair Public Trial

The Constitution states that courts are independent and that judicial proceedings are to be carried out in strict accordance with the law; however, an independent judiciary does not exist. The Constitution mandates that the Central Court is accountable to the Supreme People's Assembly, and the Criminal Code subjects judges to criminal liability for handing down "unjust judgments." Furthermore, individual rights are not acknowledged. The Public Security Ministry dispensed with trials in political cases and referred prisoners to the State Security Department for punishment. Little information was available on formal criminal justice procedures and practices, and outside observation of the legal system has been limited to show trials for traffic violations and other minor offenses.

The Constitution contains elaborate procedural protections. It states that cases should be heard in public, except under some circumstances stipulated by law. The Constitution also states that the accused has the right to a defense, and when trials were held, the Government reportedly assigned lawyers. Some reports noted a distinction between those accused of political crimes and common criminals, and stated that the Government afforded trials or lawyers only to the latter. There was no indication that independent, nongovernmental defense lawyers exist. The Government considered critics of the regime to be political criminals.

Past reports have described political offenses as including sitting on newspapers bearing Kim Il Sung's picture, mentioning Kim Il Sung's limited formal education, or defacing photographs of the Kims.

Common criminals were occasionally amnestied on the occasion of Kim Il Sung's or Kim Jong Il's birthday.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution provides for the inviolability of person and residence and the privacy of correspondence; however, the Government did not respect these provisions in practice. The regime subjected its citizens to rigid controls. The Government relied upon a massive, multilevel system of informers to identify critics and potential troublemakers. Whole communities sometimes were subjected to security checks. The possession of "anti-state" material and listening to foreign broadcasts are crimes that could subject the transgressor to harsh punishments, including up to 5 years of labor reeducation. If the transgressor is accused of using the anti-state material in a plot against the Government, the maximum punishment is death.

The Government monitored correspondence and telephone conversations. Telephones essentially are restricted to domestic service, although some international service was available on a very restricted basis. In recent years, the Government established a cellular phone network. In the aftermath of the April train explosion at Ryongchon, it reportedly banned cell phone use by the general population. The telephone system used by foreigners in the country was independent of the broader system. Persons reportedly have been placed under surveillance through their radio sets, and imprisoned and executed for statements made at home that were critical of the regime.

The Constitution provides for the right to petition. However, when anonymous petitions or complaints about state administration were submitted, the State Security Department and Ministry of Public Security sought to identify the authors, who could be subjected to investigation and punishment.

In the late 1950s, the regime began dividing society into three main classes: "core," "wavering," and "hostile." Security ratings were assigned to each individual; according to some estimates, nearly half of the population was designated as either "wavering" or "hostile." Loyalty ratings determined access to employment, higher education, place of residence, medical facilities, and certain stores. They also affected the severity of punishment in the case of legal infractions. Citizens with relatives who fled to the Republic of Korea at the time of the Korean War still appeared to be classified as part of the "hostile class." Between 20 and 30 percent of the population is considered potentially hostile. Members of this class still were subject to discrimination, although defectors reported that their treatment had improved greatly in recent years. There is some evidence that the regime has softened these restrictions, for example, by portraying persons with a bad class background who are hard workers favorably in feature films. In addition, the economic reforms have eroded the rigid class restrictions to some extent.

Citizens of all age groups and occupations were subject to intensive political and ideological indoctrination. The cult of personality of Kim Jong Il and his father and the official "juche" ideology declined somewhat, but remained an important ideological underpinning of the regime, approaching the level of a state religion. Under Kim Jong Il, the regime has emphasized a "military first" policy, purportedly necessitated by the external threat. Indoctrination is intended to ensure loyalty to the system and leadership, as well as conformity to the State's ideology and authority. The necessity for the intensification of such indoctrination is repeatedly stressed by the regime. The country attributed the collapse of the Soviet Union to insufficient ideological indoctrination and corrupt foreign influences.

Indoctrination was carried out systematically: Through the mass media, in schools, and through worker and neighborhood associations. Kim Jong Il has stated that ideological education must take precedence over academic education in the nation's schools, and he also called for the intensification of mandatory ideological study and discussion sessions for adult workers. Indoctrination also involved mass marches, rallies, and staged performances, sometimes involving hundreds of thousands of persons.

Collective punishment was practiced. Entire families, including children, have been imprisoned when one member of the family was accused of a crime. In November 2003, an investigator for a human rights nongovernmental organization (NGO) said that punishment could be extended to imprison three generations of a family for life at hard labor. Refugees have also documented this practice.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and the press; however, the Government prohibited the exercise of these rights in practice. Articles of the Constitution that require citizens to follow "socialist norms of life" and to obey a "collective spirit" take precedence over individual political and civil liberties.

The Government sought to control virtually all information. The Government carefully managed visits by foreigners, especially foreign journalists. In April, the Government denied journalists access to the scene of a train explosion at Ryongchon station that killed hundreds of persons, although foreign diplomats were granted access. On occasion, when it served its agenda, the

Government allowed foreign media to cover certain events. During visits by foreign leaders, groups of foreign journalists were permitted to accompany official delegations and to file reports. In all cases, journalists were strictly monitored. They were not generally allowed to talk to officials or to persons on the street, and cellular or satellite phones were confiscated for the duration of a visitor's stay.

Domestic media censorship was enforced strictly, and no deviation from the official government line was tolerated. During the year, Reporters Without Borders (RWB) reported that a state radio journalist was punished for mistakenly referring to a deputy minister as minister. He reportedly was sent to a "revolutionization" camp for several months. The regime prohibits listening to foreign media broadcasts except by the political elite, and violators are subject to severe punishment. Radios and television sets, unless otherwise altered, received only domestic programming; radios obtained from abroad must be altered to operate in a similar manner. During the year, there was evidence that radios were more accessible than in the past, due primarily to corrupt border guards. Some NGOs have reported that more defectors had listened to foreign broadcasts than in previous years. RWB reported that the authorities designated radio sets as "new enemies of the regime" on June 13, after human rights activists announced their intention to send transistor radios by balloon into the country.

Private telephone lines operated on a system that precluded making and receiving international calls; international phone lines were available only under very restricted circumstances. Some deluxe hotels in Pyongyang offered Internet service for foreign visitors, but for citizens, Internet access was limited to high-ranking officials with a "need to know." This access was provided via international telephone lines to a provider in China.

The Government severely restricted academic freedom and controlled artistic and academic works. A primary function of plays, movies, operas, children's performances, and books is to buttress the cult of personality surrounding Kim Il Sung and Kim Jong Il.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of assembly; however, the Government did not respect this provision in practice. The Government prohibits any public meetings without authorization.

The Constitution provides for freedom of association; however, the Government did not respect this provision in practice. There are no known organizations other than those created by the Government. Professional associations existed primarily to facilitate government monitoring and control over the organizations' members.

c. Freedom of Religion

The Constitution provides for "freedom of religious belief;" however, in practice the Government severely restricted religious freedom, including organized religious activity except that which is supervised by officially recognized groups linked to the Government. The Constitution also stipulates that religion "should not be used for purposes of dragging in foreign powers or endangering public security." Genuine religious freedom did not exist.

The cult of personality of Kim Jong Il and his father and the official "juche" ideology remained important ideological underpinnings of the regime, approaching the level of a state religion. Refusal on religious or other grounds to accept the leader as the supreme authority exemplifying the State and society's needs is regarded as opposition to the national interest and may result in severe punishment.

Several government sponsored religious organizations served as interlocutors with foreign church groups and international aid organizations. Foreigners who met with representatives of these organizations believed that some were genuinely religious, but noted that others appeared to know little about religious dogma, liturgy, or teaching.

The number of religious believers was unknown, but has been estimated by the Government at 10,000 Protestants, 10,000 Buddhists, and 4,000 Catholics. In its July 2002 report to the U.N. Human Rights Committee, the Government reported the existence of 500 "family worship centers." Some unconfirmed reports indicated that such worship centers were tolerated as long as they do not openly proselytize or have contact with foreign missionaries. In addition, an undetermined number of persons belonged to underground Christian churches that operated in secrecy and without the approval of the Government.

The Chondogyo Young Friends Party, a government-sponsored group based on a traditional Korean religious movement, also remained in existence, with approximately 40,000 practitioners.

Most of the 300 Buddhist temples in the country were regarded as cultural relics, but in some of them religious activity was permitted. Two Protestant churches under lay leadership and a Roman Catholic church (without a resident priest) operated in Pyongyang. Several government-controlled schools for religious education exist, including 3 year religious colleges for training Protestant and Buddhist clergy to serve in the government-sponsored places of worship. A religious studies program also was taught at Kim Il Sung University. In September 2003, construction reportedly was completed on the Pyongyang Theological Academy, a government sponsored graduate institution for pastors and evangelists. The Unification and Russian Orthodox Churches were building churches in Pyongyang.

Many religious figures have visited the country in recent years, including papal representatives and religious delegations from the Republic of Korea, the United States, and other countries. Overseas religious relief organizations have been active in responding to the country's food crisis; however, they have been denied access to many areas of the country and their movement restricted and closely monitored. Foreigners who visited the country stated that church services contained political content supportive of the regime in addition to religious themes.

Persons engaging in religious proselytizing have been arrested and were subject to harsh penalties, including imprisonment and prolonged detention without charge. The regime appeared to have cracked down on unauthorized religious groups in recent years, particularly those with ties to overseas evangelical groups operating across the border in China. The Government appeared especially concerned that religiously-based South Korean relief and refugee assistance efforts along the northeast border with China were becoming entwined with political goals, including opposition to the regime. Some repatriated defectors who had established contacts with religiously based South Korean groups reportedly have been executed or received other especially harsh treatment due to these contacts.

Religious and human rights groups outside the country continued to provide numerous unconfirmed reports that thousands of members of underground churches have been beaten, arrested, detained in prison camps, tortured, or killed because of their religious beliefs. The regime continued to view religious believers belonging to underground congregations or with ties to evangelical groups in North China as subversive.

However, members of government-recognized religious groups did not appear to suffer discrimination, perhaps because, as some reports claimed, they had been mobilized by the regime. Persons whose parents were believers but who themselves were nonpracticing were able to rise in recent years to at least the mid-levels of the bureaucracy. Such individuals, as a category, suffered broad discrimination in the past.

In testimony given in the early 1990s, witnesses said that prisoners held on the basis of their religious beliefs generally were treated worse, sometimes much worse, than other inmates. One such witness, a former prison guard, testified that those believing in God were regarded as insane, since authorities taught "all religions are opiates." He recounted an instance in which a woman was kicked repeatedly and left with her injuries unattended for days because a guard overheard her praying for a child who was being beaten.

For a more detailed discussion, see the 2004 International Religious Freedom Report.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution provides for the "freedom to reside in or travel to any place"; however, the Government did not respect these rights in practice. In the past, the regime has controlled internal travel strictly, requiring a travel pass for any movement outside one's home village. Numerous reports in recent years suggested that internal travel rules have been relaxed to allow citizens to search for food, conduct local market activities, or engage in enterprise-to-enterprise business activities. However, only members of a very small elite and those with access to remittances from overseas had access to personal vehicles. The Government strictly controlled permission to reside in, or even to enter, Pyongyang, where food supplies, housing, health, and general living conditions were much better than in the rest of the country.

The regime only issues exit visas for foreign travel to officials and trusted businessmen, artists, athletes, academics, and religious figures. Short-term exit papers were also available for residents on the Chinese border to enable visits with relatives in bordering regions of China. In addition, others were able to obtain papers to engage in small-scale trade in the immediate bordering Chinese provinces.

The Government routinely uses forced internal resettlement and has relocated many tens of thousands of persons from Pyongyang to the countryside, although not always as punishment for offenses. For example, although disabled veterans are treated well, other persons with physical and mental disabilities, as well as those judged to be politically unreliable, have been sent out of the city into internal exile.

The Government did not allow legal emigration, although officials in border areas reportedly have often taken bribes from or simply let pass persons crossing the border with China without required permits.

Since the mid-1990s, substantial numbers of North Koreans have crossed the border into China and some have proceeded to the Republic of Korea, Hong Kong, Vietnam, Cambodia, and other Asian countries. Many of those who crossed into China during the year returned to North Korea. The Chinese government denied the UNHCR permission to operate along its border with the DPRK and several thousand North Koreans were reportedly detained and forcibly returned to North Korea, where many faced persecution and some of whom may have been executed upon their return.

The Penal Code criminalizes defection and attempted defection, including the attempt to gain entry to a foreign embassy for the purpose of seeking political asylum. Individuals who cross the border with the purpose of defecting or seeking asylum in a third country are subject to a minimum of 5 years of "labor correction." In "serious" cases, defectors or asylum seekers are subject to an indefinite term of imprisonment and forced labor, confiscation of property, or death. Many would-be refugees who were returned involuntarily have been imprisoned under harsh conditions, some have been executed and pregnant women have been

forced to have abortions or witness the killing of their infants after birth (see Section 1.a.). Some sources say that the harshest treatment is reserved for those who have had extensive contact with Christian missionaries.

Under new regulations that may be aimed at differentiating between defectors and the migrants that illegally leave the country to seek economic opportunity in China, the Penal Code stipulates a sentence of up to 2 years of "labor correction" for the lesser crime of illegally crossing the border. Several NGOs operating in the region confirm that repatriated migrants have been subject to less severe punishments upon their return to North Korea in recent years. In previous years, some migrants have stated that border guards had orders to shoot to kill persons attempting to cross the border into China and that the regime reportedly retaliated against the relatives of some of those who managed to leave the country. However, there is some evidence that suggests that because bribery and corruption was rampant, these orders were not strictly enforced during the year.

AI reported that in September, Chang Gyung Chul and Chang Gyung Soo were sentenced to 10 years' imprisonment for their unauthorized exit from the country. Their cousin Chang Mi Hwa reportedly was sentenced to 5 years' imprisonment and was thought to be under house arrest. The three were detained in Shanghai and repatriated to North Korea.

During the year, deportations of North Koreans from China continued. Most observers estimated that since 1994 there have been at least tens of thousands, and perhaps several hundred thousand North Koreans in China. Most crossed the border illegally in small groups to seek food, shelter, and work. Some have settled semi-permanently in Northeastern China, while others travel back and forth across the border. Since 2000, the Chinese government sporadically has sought out and forcibly repatriated large numbers of these persons, whom Chinese authorities regarded as illegal economic migrants. Deportations appeared to have risen in 2001 and 2002 after North Koreans began seeking onward travel to South Korea through high-profile tactics such as seeking asylum in diplomatic missions. Deportations continued, albeit at what appeared to be a slower pace than in previous years.

During the year, 1,894 North Koreans were able to travel to the Republic of Korea after seeking refuge primarily in South Korean diplomatic missions in China and other countries. Notable incidents included the airlift of 468 North Koreans from an unidentified third country, and, in September, 44 North Koreans scaled the walls of the Canadian Embassy in Beijing in an attempt to seek asylum.

North Koreans in Russia also suffered serious human rights abuses. Many were workers employed under harsh conditions under contracts entered into by the North Korean authorities with Russian firms. Many such North Koreans in Russia had their passports and other identification confiscated by North Korean border guards and faced severe hardship due to their lack of any identification. However, many workers were there voluntarily. Work abroad is highly sought after and most workers are vetted by the party for their ideological health and background.

For several years beginning in the 1990s, the country permitted a few of the thousands of Japanese wives with North Korean husbands to make short trips to visit their families in Japan. Because of the abduction controversy, these visits have been suspended.

Since the June 2000 inter-Korean summit, there have also been several family reunions in the North and the South involving hundreds of persons.

The Government has permitted an increasing number of overseas Koreans to visit relatives in North Korea over the past decade The pro-North Korean groups arranging these visits charge application fees of several thousand dollars.

Although a member of the U.N., the country did not participate in international refugee forums. The Government had no known policy or provision for refugees or asylees.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Citizens do not have the right to change their leadership or government peacefully. The KWP and the KPA, with Kim Jong Il in control, dominate the political system. Very little reliable information is available on intra-regime politics. The legislature, the Supreme People's Assembly (SPA), meets only a few days per year to rubber-stamp resolutions presented to it by the party leadership.

The regime justifies its dictatorship with arguments derived from concepts of collective consciousness and the superiority of the collective over the individual, appeals to nationalism, and citations of the juche ideology. The authorities emphasize that the core concept of juche is "the ability to act independently without regard to outside interference." Originally described as "a creative application of Marxism-Leninism" in the national context, juche is a malleable philosophy reinterpreted from time to time by the regime as its ideological needs changed.

In an effort to give the appearance of democracy, the Government has created several "minority parties." Lacking grassroots organizations, they exist only as rosters of officials with token representation in the SPA. Their primary purpose appeared to be promoting government objectives abroad as touring parliamentarians. Free elections did not exist, and the regime criticized the concept of free elections and competition among political parties as an "artifact" of "capitalist decay."

Elections to the SPA and to provincial, city, and county assemblies are held irregularly and are not free and fair. Elections were held in 1990, 1998, and in August 2003; the outcomes of all were virtually identical.

Women reportedly made up 20 percent of the membership of the SPA, but only approximately 4 percent of the membership of the Central Committee of the KWP.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

There are no independent domestic organizations to monitor human rights conditions or to comment on violations of such rights, and the Government is unlikely to allow them to be formed. The government's North Korean Human Rights Committee has denied the existence of any human rights violations in the country.

In July 2001, a North Korean delegate reporting to the U.N. Human Rights Committee dismissed reports of human rights violations in the country as the propaganda of "egoistic" and "hostile forces" seeking to undermine the sovereignty of the country.

The Government has ignored requests for visits by international human rights organizations, and none were known to have visited since a 1996 AI visit.

The NGO community and numerous international experts continued to testify to the grave human rights situation in North Korea.

A number of countries that have established relations with the country in recent years have sought to engage it on human rights. In 2001 and 2002, North Korean officials and EU representatives held dialogues on human rights. North Korea emphasized that it had ratified most U.N. human rights instruments. Human rights concerns were further addressed during political consultations during the year. In April 2003, the UNCHR for the first time adopted a resolution on the situation of human rights in the country. The resolution, among other things, expressed "deep concern about reports of systemic, widespread and grave violations of human rights…and note(d) with regret that the authorities…have not created the necessary conditions to permit the international community to verify these reports…." In April, the UNCHR called for the appointment of a special rapporteur on human rights in the country, but he was not allowed to visit the country to assess the situation according to his mandate. In September, the United Kingdom sent a delegation to Pyongyang for formal discussions on human rights which achieved little in terms of progress.

Although not involved in monitoring human rights, the World Food Program (WFP) visited 161 of the country's 203 counties during the year to monitor food distribution and survey nutritional needs. The number of WFP monitoring visits has increased substantially since the WFP first established its presence in the country in 1995. However, starting in the fall, the North Korean government refused a larger proportion of requests for monitoring visits than it had in recent years. In addition, the WFP ceased to visit and distribute food to nine counties due to new access restrictions by North Korean authorities. As a result, regular access has been reduced to 152 out of a total 203 counties. The North Korean government has never permitted monitoring visits to certain areas of the country it has deemed "sensitive." The government also has never permitted monitoring visits to be made on a random or short-notice basis, thus limiting their effectiveness in verifying that aid reached intended recipients on a sustained basis. Another monitoring shortcoming is that the Government has not provided the WFP a full list of the institutions (schools, orphanages, hospitals, etc.) that receive the food. The WFP has also not been allowed to bring in native Korean speakers for its staff; however, WFP staff has been permitted to study the Korean language. For the second year, South Korean monitoring teams were allowed to observe briefly the distribution of food provided on a bilateral basis. For every 100,000 tons of food delivered, the Republic of Korea was allowed to send three monitoring teams to visit any of the previously agreed-upon distribution points.

Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The Constitution grants equal rights to all citizens. However, the Government denied its citizens most fundamental human rights in practice, and there was pervasive discrimination on the basis of social status.

Women

The Constitution states "women hold equal social status and rights with men"; however, although women were represented proportionally in the labor force, few women had reached high levels of the Party or the Government. In addition, there are indications that the number of women in the workforce has been declining since the economic reforms were instituted. There is no evidence that this decline is the result of a Government policy; rather, it is probably the consequence of widespread factory closures.

There was no information available on domestic and general societal violence against women; women prisoners reportedly were subject to rape and forced abortions (see Section 1.c.).

Working-age women, like men, are required to work. They were thus required to leave preschool age children in the care of elderly relatives or in state nurseries. According to the Constitution, women with large families are to work shorter hours. There

were reports of trafficking in women and young girls among North Koreans crossing the border into China (see Section 5, Trafficking). During the year, approximately two-thirds of the refugees who found safe haven in South Korea were women.

Children

The State provides compulsory education for all children until the age of 15. However, in the past, some children were denied educational opportunities and subjected to other punishments and disadvantages as a result of the loyalty classification system and the principle of "collective retribution" for the transgressions of family members (see Section 1.f.). However, there was some evidence that the rigidity of the loyalty classification system has eroded.

Like others in society, children were the objects of intense political indoctrination; even mathematics textbooks propound party dogma. In addition, foreign visitors and academic sources reported that children from an early age were subjected to several hours a week of mandatory military training and indoctrination at their schools. School children sometimes were sent to work in factories or in the fields for short periods to assist in completing special projects or in meeting production goals.

The WFP reported feeding 3.36 million children during the year. A nutrition survey carried out in 2002 by UNICEF and the WFP, in cooperation with the Government, found that in the sample of 6,000 children, 20 percent were underweight and 39 percent were stunted. This was an improvement compared to a 1998 UNICEF/WFP survey. Although UNICEF and WFP did not have unrestricted access in carrying out these surveys, the general conclusion of improvement in the nutritional situation of children is considered valid. A new survey was carried out during the year, but the results had not been released by year's end.

In practice, children did not enjoy any more civil liberties than adults. The U.N. Committee on the Rights of the Child has repeatedly expressed concern over de facto discrimination against children with disabilities and the insufficient measures taken by the State to ensure that these children had effective access to health, education, and social services, and to facilitate their full integration into society.

Information about societal or familial abuse of children is unavailable. There were reports of trafficking in young girls among persons crossing the border into China (see Section 5, Trafficking).

Trafficking in Persons

There were no known laws specifically addressing the problem of trafficking in persons, and trafficking was a growing problem. There were widespread reports of trafficking in women and young girls into China. Some were sold by their families or by kidnappers as wives or concubines to men in China; others fled on their own volition to escape starvation and deprivation. A network of smugglers reportedly facilitated this trafficking. Many such women, unable to speak Chinese, were held as virtual prisoners, and some were forced to work as prostitutes.

Persons with Disabilities

Traditional social norms condone discrimination against persons with physical disabilities. Apart from veterans with disabilities, persons with disabilities were almost never seen within the city limits of Pyongyang, and several defectors and other former residents reported that persons with disabilities routinely were relocated to rural areas. Furthermore, some NGO reports claimed that these persons were predominantly sent to the northeastern part of the country. However, recent visitors to Pyongyang have reported seeing persons with disabilities on the streets of the capital. There are no legally mandated provisions for accessibility to buildings or government services for persons with disabilities.

Section 6 Worker Rights

a. The Right of Association

The Constitution provides for freedom of association; however, this provision was not respected in practice. There are no known labor organizations other than those created by the Government. The KWP purports to represent the interests of all labor. There is a single labor organization, the General Federation of Trade Unions of Korea. Operating under this umbrella, unions function on the classic "Stalinist model," with responsibility for mobilizing workers to support production goals and for providing health, education, cultural, and welfare facilities.

The country is not a member of the International Labor Organization, but does have observer status.

b. The Right to Organize and Bargain Collectively

Workers do not have the right to organize or to bargain collectively. Factory and farm workers are organized into councils, which do have an impact on management decisions. Unions do not have the right to strike.

There is one special enterprise zone (SEZ) in the Rajin-Songbon area. The same labor laws that applied in the rest of the

country applied in the Rajin-Songbon SEZ, and workers in the SEZ were carefully screened and selected. The Kaesong Industrial Complex (IC) began operating in December eight miles north of the Demilitarized Zone with 15 South Korean companies selected for the pilot phase. While the workers for the Kaesong IC were also screened and selected, special regulations were negotiated between the two Koreas in 2002 and 2003 for the management of the area. The respective Assemblies of both North and South Korea approved the Kaesong Industrial Complex Act. Per this agreement, North Korean workers in the Kaesong IC are guaranteed a monthly minimum wage. All companies will be managed by South Korean staff who have the authority to make all labor management decisions in their company, including who is hired and who is let go.

c. Prohibition of Forced or Compulsory Labor

In its 2000 and 2001 reports to the U.N. Human Rights Committee, the Government claimed that its laws prohibit forced or compulsory labor. However, the Government frequently mobilized the population for construction projects and for mass demonstrations and performances. "Reformatory labor" and "reeducation through labor" were common punishments for political offenses. Forced and compulsory labor, such as logging and tending crops, was common among prisoners.

The Constitution requires that all citizens of working age must work and "strictly observe labor discipline and working hours." According to the new Penal Code, failure to meet economic plan goals can result in 2 years of "labor correction."

d. Prohibition of Child Labor and Minimum Age for Employment

According to the Constitution, the State prohibits work by children under the age of 16 years, and the Penal Code crimalizes forced child labor. School children may be assigned to factories or farms for short periods to help meet production goals, and to other work like snow removal on major roads.

e. Acceptable Conditions of Work

No data was available on the minimum wage in state-owned industries. Since the July 2002 economic reforms, wages have become the primary form of compensation, and factory managers have had more latitude to set wages and provide incentives. Workers are expected to use some of their increased income to pay for services that had been provided either free or at highly subsidized rates by the State, such as rent for housing and fees for transportation. While access to education and medical care may technically remain free, educational materials and medicines appear available only for purchase in markets. At the Kaesong Industrial Complex, South Korean companies paid North Korean workers $57.50 per month, of which $50 will go directly to the worker and $7.50 will go to the Government as a social insurance fee.

Class background and family connections may be as important as professional competence in deciding who receives a particular job, and foreign companies that have established joint ventures report that all their employees must be hired from registers screened by the authorities. Unlike the previous Penal Code, the new code does not address persistent tardiness.

The Constitution stipulates an 8-hour workday; however, several sources reported that most laborers worked from 12 to 16 hours daily when factories were operating. Some of this additional time appeared to include mandatory study of the writings of Kim Il Sung and Kim Jong Il. The Constitution provides all citizens with a "right to rest," including paid leave, holidays, and access to sanitariums and rest homes funded at public expense; however, the state's willingness and ability to provide these services is unknown. Paid leave was provided on public holidays, but on some holidays some persons were required to participate in mass demonstrations involving extra hours of preparation.

Many worksites were hazardous, and the rate of industrial accidents was high. The Constitution recognizes the state's responsibility for providing modern and hygienic working conditions. The Penal Code criminalizes the failure to heed "labor safety orders" pertaining to worker safety and workplace conditions only if it results in the loss of lives or other "grave loss." In addition, workers do not have an enumerated right to remove themselves from hazardous working conditions.